Restrictions on Motorized Vehicle Recreation in the Harold Price and Blunt Creek Areas

Complaint Investigations 970126 and 980147

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Summary

This report concludes the Board's investigation of two complaints. Both concerned the district manager's refusal to make orders under section 105 of the Act to restrict snowmobile recreational access. The complainants wanted restrictions in two areas popular with back country skiers in the Bulkley Valley portion of the Bulkley/Cassiar Forest District in north-central BC.

Nature of the Complaint

Through 1996 and early 1997, staff of the Bulkley/Cassiar Forest District assisted in carrying out a public process where recreational users met and developed a Recreational Access Management Plan ("RAMP"). That plan provided input for a Land and Resource Management Plan being developed by the Bulkley Valley Community Resources Board. The district manager has authority under the *Forest Practices Code of BC Act* to make orders to restrict public recreational uses. However, the various recreational user groups wanted consensus based decision-making. The district manager agreed, stating early in the planning process that any such orders would be based on consensus among the user groups.

Summer recreational users reached agreement on access management. Winter users reached agreement on most of the eighteen "winter use areas" identified. Unfortunately historical and on-going conflict between two recreational user groups -- backcountry skiers and snowmobile users -- led to three highly contentious areas being designated as "unresolved". Those areas, with high recreational use and on-going conflicts between user groups, were left in limbo. There was no negotiated resolution.

The consensus based decision-making process was flawed in one important respect. There were no clear, written terms of reference, and no alternative process specified if consensus failed. The result of the failure to reach agreement was that no orders under the Act to restrict access by any group on those unresolved areas.

Two complainants objected and complained to the Board. The failure to reach consensus benefited the snowmobilers, who remained unrestricted. The complainants asserted that the district manager should have made orders to restrict snowmobile use in two especially contentious areas, Harold Price meadows and Blunt Mountain basin, regardless of the failure to reach consensus. One complainant also asserted irregularities in the planning process and that the district manager had imposed an unfair process by requiring consensus despite unequal incentive among the groups to reach agreement.

Scope of the Investigation

The Board must investigate complaints about forest practices described in Parts 3-6 of the Act, unless there is reason to refuse to investigate. In October 1997 and May 1998, following the assessment of the two complaints, the Board decided to investigate:

1. whether the district manager was obliged to appoint a more effective mediator for the recreational access management planning process;

2. whether it was fair for the district manager to require consensus among users when snowmobile users, by virtue of the nature of their recreation, had little to gain by negotiating; and

3. whether the district manager was obliged to make orders restricting snowmobile recreational users because the district had authorized construction of a cabin by the skiers in Harold Price meadows.

All three issues were raised by the first complainant. Only the third issue was raised by the second complainant (along with other issues that the Board decided not to investigate). The Board expanded the scope of the investigation somewhat to examine the general purpose of section 105 of the Act and the reasonable expectations of the public regarding use of that section.

Investigation Findings

The Board finds that the district manager had the authority to refuse to restrict access. There was an accepted need for snowmobile restrictions in some areas, but the participants in the planning process all wanted consensus, so setting a consensus precondition for section 105 restriction orders was appropriate in the circumstances. The district manager anticipated that access problems in some areas might not be resolved by consensus. Nevertheless, the district manager maintained the consensus requirement even after the snowmobile users and the backcountry skiers reached an impasse. He waited for some suggestions or direction from the affected user groups, but received little new information and ultimately signed off the recreational access management plan, leaving several areas unresolved. He then sent the issue on to an alternative forum, the Bulkley Valley Outdoor Recreation Cooperative, for further negotiation.

The Board finds that it was appropriate for the district manager to continue to predicate additional access restrictions on consensus even after it became clear that consensus was unlikely to be reached. There are two reasons. First, the participants themselves insisted on consensus and failed to agree on a dispute resolution process. Second, enforcement of any restrictions would be impractical if restrictions were not supported by consensus.

The Board finds that the public involvement process was fair and that the facilitator in the public involvement process acted fairly and reasonably.

Recommendation

The Board recommends that the Ministry of Forests provide guidance and assistance to district managers on administration of recreational users on forest lands by use of section 105 orders.

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Investigation

From June 1996 to July 1997, the Ministry of Forests, Bulkley/Cassiar Forest District, developed a Recreational Access Management Plan (RAMP) for the Bulkley portion of the district. A final plan was produced on July 23, 1997.

One complainant is a backcountry skier who is concerned about snowmobile use of areas that are popular with skiers. The complainant disagreed with the RAMP planning process and with the results. In particular, the complainant asserted that the district manager should have exercised his authority and ordered restrictions on snowmobile use in two of three areas (Harold Price Creek meadows and Blunt Mountain basin) for which recreational user conflicts could not be resolved by consensus. This complaint was received by the Board on September 24, 1997. After an assessment of the complaint, the Board decided in November to investigate. Investigation occurred in January, 1998.

In March of 1998, one of the representatives interviewed in January filed a related complaint. The Board decided not to investigate issues concerning hiking trails and operational planning, but another issue overlapped the complaint that was already under investigation. Specifically, the complainant asserted that the district manager had failed to regulate snowmobile use of Blunt basin, to the detriment of skiers. The Board decided to investigate that issue in conjunction with the complaint investigation that was already under way.

The issues investigated were:

1. whether the district manager was obliged to appoint a new and more effective mediator before deciding on recreational orders in the Harold Price meadow and Blunt basin areas,

2. whether it was fair for the district manager to require consensus among users when one user group, by virtue of the nature of its recreation, had little to gain by negotiating; and

3. whether the district manager was obliged to make orders restricting snowmobile recreational users in Harold Price meadows and Blunt basin, particularly given the district's issuance of a Special Use Permit to skiers for cabin maintenance in the former area.

The Board did not investigate the effect of "unresolved" and "future process" designation in the RAMP, as requested by the first complainant, nor issues related to forest development planning, as requested by the second complainant. The RAMP designation was beyond the Board's jurisdiction, which is concerned with the Code alone (so focused on actual and potential use of section 105 powers). Forest development plans had still not been finalized, so investigation of those issues was premature.

In the course of the investigation, the scope was expanded somewhat to consider the general purpose of section 105 of the Act and the reasonable expectations of the public regarding the district manager's use of that provision.

Figure 1. Location of Harold Price Meadows and Blunt Basin in Bulkley/Cassiar Forest District.

Investigation Findings

Issue and Background

Recreation Management Jurisdiction

The jurisdiction to regulate recreational users is split between two agencies: BC Lands in the Ministry of Environment, Lands and Parks and the Ministry of Forests. The Ministry of Forests' mandate comes in part through the *Ministry of Forests Act*. Section 4 deals with the purposes and functions of the Ministry:

> 4. The purposes and functions of the ministry are…
>
> (c) plan the use of the forest and range resources of the government, so that the production of timber and forage, the harvesting of timber, the grazing of livestock and the realization of fisheries, wildlife, water, **outdoor recreation** and other natural resource values are coordinated and integrated… (emphasis added)

There are many references to recreation in the *Forest Practices Code of British Columbia Act* ("the Act") and the *Forest Recreation Regulation*. However, those provisions deal primarily with localized recreational facilities or features (formally designated as "recreational sites", "recreational trails" and "sensitive sites") rather than general control of recreational uses of provincial forest lands.

BC Lands' mandate comes through its authority to regulate commercial uses of Crown lands. In particular, businesses that offer commercial recreation on Crown land usually require *Lands Act* tenures such as licenses of occupation or leases. Otherwise, recreation in provincial forests is regulated by the Ministry of Forests. There is overlap, so the two government agencies have signed a "Protocol on Crown Land Administration and Forest Activities" to divide provincial government recreation management activities between them. The circumstances leading to the present complaints relate to circumstances in which the Ministry of Forests has management authority.

Conflict between backcountry skiers and snowmobile users is not a local issue. As part of its commercial regulation mandate, BC Lands has been involved in conflicts similar to those in the current complaints, but between commercial heli-skiing operations and recreational snowmobile users. Such conflicts in the Kootenays led BC Lands to create a special committee in 1995 to examine the growing conflict on Crown lands. That committee recently finalized a "Provincial Backcountry Skiing - Snowmobiling Report" with discussion, principles and recommendations. Even though this investigation concerns the Ministry of Forests management authority rather than that of BC Lands, the analysis and recommendations of the provincial committee report are highly relevant to

this investigation. In fact, a draft of the provincial report was cited and relied upon in the planning process that led to these complaints.

Circumstances of the Complaint

The communities of Houston, Smithers and Hazelton in north central BC include hundreds of residents who enjoy outdoor recreation. The broad range of outdoor recreational activities available is a major attribute of the area. Recreational uses include motorized (e.g. using snowmobile, all-terrain vehicle, trail motorcycles, 4-wheel drive vehicles) and non-motorized (e.g. hiking or using mountain bicycles, horses, skis, snowshoes). Uses can also be divided by season into winter and summer activities.

As the number of outdoor recreational users increases, so does their interaction in the outdoors. Recreational conflicts have arisen in many areas of the province and were a concern as early as 1975 in the Bulkley Valley. In 1996, the Bulkley Valley Community Resources Board initiated the Bulkley Land and Resource Management Plan to provide direction in all aspects of planning for the Bulkley portion of the Bulkley/Cassiar Forest District. The Resources Board requested guidance from the Ministry of Forests on recreational access management.

In response, the district assisted by creating and assisting to carry out a public consultation process during 1996 and early 1997. An advisory group, comprised of 45 representatives of 15 groups of motorized and non-motorized recreational users (both summer and winter), was asked to come up with a recreational access management plan (RAMP). They met over seven months and held a public workshop.

There was no conflict about management of recreational access for summer users or about access for most types of winter users in most areas. However, a conflict quickly emerged in three areas between snowmobile users and the touring and mountaineering forms of skiing (collectively, "backcountry skiing"). Enjoyment of backcountry skiing depends heavily on access to untracked snow. Snowmobiles, unfortunately, leave bands of compressed or frozen snow behind as tracks. Such irregularities, especially if hidden under a shallow, fresh snowfall, can seriously disrupt backcountry skiers.

According to the backcountry skiers, untracked snow recently become a scarce resource in the mountains and plateaus immediately accessible from the Bulkley Valley. Snowmobile users have long been present in the backcountry, but a steady proliferation, particularly in alpine areas, has increased interactions with backcountry skiers. Changes in technology have also produced machines that can climb steep slopes and negotiate deep snow. By about 1995, snowmobiles were capable of reaching virtually all areas that could be reached by skis. As a result, it became impossible for skiers to find accessible snow in areas that snowmobiles could not reach.

There are also strong emotions that underlie the conflict between snowmobile users and backcountry skiers. Both the conflict and its perception are one-sided. Backcountry skiers feel strongly affected by snowmobile users, but snowmobile users are completely

unaffected by skiers. To skiers, the two forms of recreational use mix badly or not at all. Sudden encounters with compressed or frozen snowmobile tracks while skiing down a powdery slope are difficult and sometimes dangerous. The machines are noisy, disrupting tranquillity that is a primary attraction for backcountry skiing. Because skiers have limited range, they are particularly vulnerable to interactions with the higher density of highly mobile snowmobiles found within several hours skiing distance of roads and communities.

Snowmobile users have the opposite reaction. They have difficulty understanding the skiers' strong opposition. While they admit that some alpine and meadow locations are heavily tracked by circling machines, they note that they simply pass through most areas, leaving very few linear tracks. The next major snowfall usually buries all sign of snowmobile use. Noise is, at worst, a brief annoyance. Snowmobile users assume that competent skiers can simply ski alongside the odd snowmobile track. In fact, in heavy powder conditions, skiers would presumably find snowmobile tracks to be easier going. Snowmobile users point out that they can even be a boon to skiers, especially in emergency rescue situations. Overall, snowmobile users believe that the backcountry is big enough for all.

This emotional and one-sided conflict generated the most controversial issue in the RAMP process. How should uses be allocated in areas that are popular to both backcountry skiers and snowmobile users? Eighteen "winter use areas" were identified. Five areas were designated as "Non-Motorized Use Only" (i.e., no snowmobiles). Five more were "Motorized Use", where snowmobile use was explicitly allowed. Another five were "Future Process" areas, where important environmental or preservation concerns required site-specific restrictions that could not be decided at the RAMP level of planning.

Only three areas were left as "Unresolved". All have both high recreational use and a high level of conflicts between user groups. The RAMP process led to no resolution or compromise. One of the three areas, Crater Lake, is adjacent to a downhill ski development so the location itself curtails snowmobile use[1]. However, two more remote areas (Harold Price meadows and Blunt Mountain basin) were particularly precious to both the backcountry skiers and the snowmobile users.

What tools are available to resolve such conflicts in winter recreational use? The district manager has authority under section 105 of the Act to restrict, prohibit or attach a condition to public recreational use. The backcountry skiers wanted the district manager to order that snowmobile use be restricted or eliminated in the Harold Price meadows and in the Blunt basin, regardless of snowmobile user opposition. That wish was not fulfilled. The district manager considered that the public, including snowmobile users, had a general right of access to provincial forest land for recreation. Therefore, restrictions on

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[1] After the Board's investigation was completed, the groups agreed to designate the Crater Lake area as non-motorized.

recreational use were to be avoided if possible. Early in the planning process for the RAMP, the district manager stated that he was willing to unilaterally make such orders to protect recreational features. However, he would not do so to redistribute users; the latter would be managed by orders only in areas where there was consensus among user groups.

Ultimately, there was no consensus regarding several areas that were highly utilized by both backcountry skiers and snowmobile users. With no consensus, there were no section 105 orders. Instead, the RAMP concluded that recreational access management for such "unresolved" areas would be left to further discussion between the two user groups. The recommended forum was a soon-to-be-created Bulkley Valley Outdoor Recreation Cooperative.

Discussion

Compliance with the Act

The development of the RAMP is not directly related to the Act. However, the RAMP does include provisions that contemplate use of "recreation orders" under the Act. Initially, the scope of the Ministry of Forests' responsibilities for managing recreation should be described.

The objectives expressed in the Act's preamble indicate the intent of the Act regarding recreational access management. Although not strictly enforceable, the preamble indicates that one objective of the Act is the sustainable use of the forests. That, in turn, involves balancing the recreational values of the forests to meet the social needs of communities.

How is that objective implemented in the legislation itself? Recreation is defined as a "forest resource" for the Act. The Act also defines specific recreational entities such as "recreation feature", "recreation resource", "recreation site" and "recreation trail." "Recreation features" are physical features with recreational values such as lakes, waterfalls and such. The term would not include entire areas such as Harold Price meadows nor the Blunt Mountain basin complex. "Recreational resource", on the other hand, includes recreational features plus "a scenic or wilderness feature or setting that has recreational significance or value." Thus, the unresolved areas potentially qualify as "recreational resources." "Recreational site" and "recreational trail" might include the skier and snowmobile destination areas and the travel corridors used to access such areas. Regardless of attributes however, all such sites and trails must be formally designated by the chief forester under section 6 of the Act before they meet the legal definition. If designated, the district manager would be required to establish objectives for such sites and trails. Neither Harold Price meadows nor the Blunt basin has been designated as a "recreational site" or "recreational trail" under the Act.

Therefore, the Harold Price meadows and Blunt basin areas are recreational resources under the Act but, until they are designated by the chief forester, they are not recreational

sites or recreational trails. Non-designation limits the range of options for management of recreation. There is no requirement for the district manager to establish objectives or to manage recreation on those areas. Even though both exhibit high use by, and conflict between, skiers and snowmobile users, both could be left as unresolved areas in the RAMP.

A recreational designation under the Act is not required before an order can be made restricting recreational use. Section 105 of the Act allows the district manager to regulate recreational activities virtually anywhere on Crown land. Section 105 reads:

> 105. (1) If the district manager determines that it is necessary to protect a recreation resource **or manage public recreation use on Crown land**, he or she, **may**, by written order, restrict, prohibit or attach a condition to...
>
> (b) a recreational use anywhere on Crown land....
>
> (2) The district manager may make different orders under subsection (1) for different uses and locations. (emphasis added)

The wording provides broad, double discretion for a district manager. The district manager could decide not to issue an order simply because he or she finds it unnecessary to restrict a recreational use. Even where the district manager considers that such an order might be necessary, there is still no compulsion. The word "may" allows the district manager to refuse to order a restriction or prohibition or place a condition on such use even if an order might be appropriate.

In summary, the district manager has broad authority to make or refuse to make section 105 orders to manage public recreational use if the district manager determines that either:

1. there is a need for restrictions on use to protect a recreation resource; or

2. there is no need to protect the resource but there is a need for restrictions to manage public recreational use.

Despite the broad discretionary wording, there is no requirement to make orders to restrict recreational users. Thus, the Act appears to allow the district manager to refuse to make restrictive orders.

Except in the limited circumstance of designated recreational resources (recreational sites or recreational trails), there is virtually no guidance for a district manager on the use of section 105. Section 105 is an isolated one-section Division in Part 5 of the Act. There is no interpretative assistance provided by context of related sections. The *Forest Recreation Regulation* deals with procedure such as public notice of restrictions, but otherwise is silent on section 105 orders. That regulation deals with designated recreation sites and recreation trails, not recreation management in non-designated areas. The same

limited scope applies to Ministry policy – the Higher Level Plans Policy deals exclusively with designated recreational features.

> **Finding #1**
>
> Section 105 grants the district manager the discretion to refuse to make orders to manage recreational uses. Beyond the wording of the section, there is little guidance to the district manager on circumstances to consider in regard to use of section 105 orders.

Further, the broad wording grants the district manager the authority to decide not to regulate recreational uses regardless of the impact of some recreational users on others. The second complainant asserted that the district manager had a legal obligation to manage recreational uses in the Blunt basin area. Despite the general objective of balancing recreational values, as stated in the preamble to the Act, the wording of section 105 does not create a legal obligation.

> **Finding #2**
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> Although there was a direct and serious effect of non-restriction on backcountry skiers, the district manager did not contravene the Act by refusing to impose restrictions on snowmobile use. There is no such legal obligation created by section 105 of the Act. The second complainant's assertion of such an obligation is not substantiated.

Given the broad discretion in section 105, the district manager also had the authority to decide that consensus among those affected should be a pre-condition to issuance of section 105 orders restricting recreational users.

> **Finding #3**
>
> Section 105 provides broad discretion, so the district manager did not contravene the Act by requiring consensus among affected users as a condition to making orders to restrict recreational uses.

Fairness of the Process

When a complaint concerns the exercise of discretion by a statutory decision-maker under the Code, the Board generally chooses to comment on the exercise of that discretion. The Code gives decision-makers discretion to make decisions. The Board reviews these decisions to help ensure that resources are managed and conserved in the public's interests under the Code. The standard the Board uses in evaluating discretionary decisions is not whether the decision is the best decision. It is:

> "Was the decision consistent with sound forest practices, did it achieve the intent of the Code and was it based on an adequate assessment of available information?"

The Board considers these questions in the context of general public expectations about how decisions are made under the Code. In reporting its conclusions, the Board uses the ordinary meaning of terms like "reasonable", "appropriate", "adequate" and "fair".

In this case the Board considered whether the process leading to the decision was fair. "Fairness" refers to public expectations of respect and fair treatment rather than strict procedural fairness.

There were three issues related to fairness. First, was the process open to affected recreational users? Second, did the facilitator act fairly to encourage discussion and consensus? Third, was there a fair balance of negotiating power among the parties?

The Public Involvement Process

The development of recreational access management principles for the Bulkley Valley emerged from an elaborate public process. Forty-five representatives of fifteen groups held six meetings during the summer of 1996. An access management planning workshop was held for two days in September and was open to the public. District recreation staff circulated a draft RAMP widely for public comment in March of 1997. A final plan was completed in July.

All public input appears to have been considered, with the district taking a facilitation, rather than an arbitration, role. The planning process was balanced and fair, at least in terms of openness of the process and consultation among participants.

There was, however, one flaw in the public involvement process. There was no common understanding about what the process would decide and how. The participants discussed their concerns and negotiated, but there were no written, clear terms of reference. That fueled disagreement when any dispute arose about the process itself. Further, it was never clear what would happen if consensus could not be reached on some areas. Although the district manager recommended that participants develop a fallback, should consensus fail, this was not done.

Finding #4

The decision-making process, as supported and expedited by the district staff, was generally fair because it involved a comprehensive one-year process in which affected recreational users and the general public were involved. However, terms of reference were never clearly established, so there was no indication of how conflicts would be resolved if consensus could not be reached on some areas.

Role of the Facilitator

The process overall was elaborate, public and fair. Nevertheless, one complainant took issue with a specific detail, asserting that the district hired an ineffective facilitator to coordinate stakeholders' discussions. This seemed to result in the snowmobile users being allowed to provide late input and to refuse to compromise.

The need for a professional facilitator was identified at the very first recreational users meeting on June 5, 1996. A person had been selected by the fourth meeting on July 17, apparently to help at the RAMP Workshop in September. He attended the sixth meeting on August 7. He then facilitated the workshop, but his precise role was not reflected in the documents relating to that session.

The first concern with the facilitator arose on November 1, 1996. Two areas along the northern boundary of the Bulkley portion of the Bulkley-Cassiar Forest District were particularly important to a group of recreational users from the adjacent Kispiox Forest District. The Nine Mile Snowmobile Club is based in Hazelton and enjoys easy access to the Harold Price meadows. Hazelton and Smithers share the same newspaper and other local media, so the Nine Mile Club members would have learned of the RAMP development process. However, members of that Club were not specifically invited to be participants. That oversight left the Club out of most of the decision-making process, with no opportunity to become comfortable with the consensus based process and the need to negotiate rather than take fixed positions.

On November 1, 1996 the 9 Mile Snowmobile Club attended their first RAMP meeting. They noted that they had not been among the original stakeholders consulted. They stressed that they had very limited access to areas close to Hazelton for family-style snowmobile recreational use (on gentle, open terrain), so they were strongly opposed to banning machines from the Harold Price meadows. They were also opposed to restrictions in the steeper Blunt basin.

Previous participants had agreed that only those who had attended the pre-workshop subcommittee sessions would be allowed to participate in subsequent sessions. Nevertheless, the facilitator decided to allow the Hazelton snowmobile users to express their opposition, despite the late date.

The 9 Mile Club's opposition apparently crystallized opposition among other snowmobile clubs, with the result that Harold Price meadows designation remained "Unresolved". In addition, a "settled" compromise in the Blunt/Seaton Mountains complex evaporated. Blunt basin had, in draft RAMP documents, been designated as "Non-Motorized Use" in exchange for motorized use on nearby Mount Seaton. That did not last; as the dispute escalated, Blunt basin reverted to "Unresolved" status in the final RAMP.

Several in the skiing contingent blamed the collapse of negotiations on the facilitator. They complained that he had allowed the late input from the Hazelton Club. In addition, he had offered no suggestions to coax the snowmobile users to negotiate rather than simply refuse to compromise.

The Board does not consider it a part of a facilitator's duties to decide who may provide input and who not. Having concluded that the omission of the Hazelton snowmobilers made the process unfair, it was fair and appropriate in the circumstances for the facilitator to accept the late concerns of the Hazelton Club. They had simply been overlooked in the initial sessions. Further, the Board would not expect a facilitator to force negotiation; a facilitator should act as a mediator, not an arbitrator.

Finding #5

The facilitator did not make the decision-making process unfair by allowing late input into the RAMP by snowmobile users or by failing to force the snowmobile users to compromise. The parties were able to reach agreement on most areas. The complainant's assertion that an ineffective facilitator made the decision-making process unfair is not substantiated.

Bargaining Power of the Parties

Fairness necessarily involves some balance in negotiating power. At first glance, there was balance as indicated by the allocation of use designations. Of the eighteen "winter use areas", five were designated as "Non-Motorized Use Only" and five were "Motorized Use". However, that impression is misleading. At least four of those areas (the Onion and the Dome Trail east of Smithers and the Microwave Plateau and Sinclair Range to the southwest) had been snowmobile-dominated winter recreation areas for years. The motorized use designation thus appears to reflect the status quo.

Further back in time, however, several of those areas had originally been used by backcountry skiers. Skiers stopped using the area only because snowmobile use increased. Thus, skier G.W. Hobson recalled that in 1981 skiers had combined materials from two old mining cabins to create a shelter at the head of Winfield Creek (in the Microwave Ridge Motorized Use area). That cabin was used as a base for ski trips for some half-dozen years. Increased snowmobile use, culminating in a 1987 collision between two snowmobiles, caused the skiers to abandon the area. Similarly, the Bulkley

Valley Mountain Club referred to progressive loss of ski recreational use in other areas such as Ganokwa Basin, Dome Mountain and Seaton Basin.

Over time, a pattern is apparent - a progressive abandonment of popular backcountry ski areas as snowmobile users became more mobile and reached such areas. That pattern of skier retreat showed signs of continuing during the complaint investigation.

Finding #6

There is historical evidence of unequal impact between skiers and snowmobile users on each others' recreation. Backcountry skiers have progressively abandoned favorite areas in response to snowmobile use. There has been no corresponding abandonment of recreational areas by snowmobilers due to backcountry skier use.

In 1988, skiers asked the district manager for permission to build a cabin at the Harold Price meadows. The district manager formally granted permission by issuing a Special Use Permit and a letter of authorization to the skiers, who promised to maintain the cabin. The first complainant asserted that, because the district manager authorized a cabin for skiers, he incurred an obligation to support skiers. The authorization should have led to an order to maintain the quality of skier recreation in the meadows by restricting snowmobile recreational use. However, the authorization had an explicit condition that all recreational users would be welcome to use the cabin. Although skiers had agreed to maintain the cabin, it clearly was not for skiers only.

Finding #7

The district manager was not obliged to restrict use by snowmobile users because district staff had issued a Special Use Permit to skiers to maintain a shelter cabin at Harold Price meadows. Although skiers had constructed and maintained the cabin, the district explicitly required that it be available for the use of all members of the public.

Historical abandonment by skiers of several favorite areas in response to increased snowmobile use supports the view that backcountry skiing does not coexist with significant snowmobile use. Nevertheless, that does not mean that the negotiating power of the two groups was unbalanced in the access management planning process. In fact, the minutes of the RAMP meetings and the results of the workshop indicate that both groups were able to raise their concerns effectively in the planning process.

Although both groups were equally effective in expressing their concern, there was one significant difference. That concerned the effect of refusing to compromise. No consensus meant no restrictions. Snowmobile users benefited from no restrictions in that

their recreational use would be unaffected. The opposite applied for the skiers. Without consensus for restrictions, their enjoyment of the best areas was considered by them to be severely compromised.

As long as the skiers needed restrictions and the snowmobile users needed none, consensus would be unlikely. Snowmobile users would not benefit from negotiation and concessions and would probably be best off by refusing to compromise further. So it developed, with no real negotiation about recreational uses on the most controversial areas and no consensus. In the final plan, Harold Price meadows, Blunt basin and Crater Lake all were left as "Unresolved". No restrictive orders were issued. Further resolution was left to the user groups through a newly created Bulkley Outdoor Recreation Cooperative[2]. Inequality of bargaining power tended to make the overall decision-making process unfair.

On the other hand, the unfairness was an integral aspect of a decision-making process that the skiers themselves had endorsed and even insisted upon. It was only at the end of the planning process that complaints emerged about the process. That was when the three areas most popular with both groups were left as "Unresolved" and thus open to snowmobile use. Having accepted the rules, it was inappropriate for the backcountry skiers to then circumvent the results by asking the district manager to unilaterally impose orders.

Finding #8

The snowmobile users and skiers had very unequal bargaining power because the snowmobile users had incentive to not compromise while skiers could only lose from comprising. However, the backcountry skiers had accepted the process. On balance, the decision-making process was fair.

Appropriateness of the Decision

To this point, the Board found that the district manager had the legal authority to refuse to make section 105 recreation orders and to insist on consensus among users. The Board also found that the process of decision-making was not balanced, with the backcountry skiers at a negotiation disadvantage. The district manager had initially called upon the participants to develop a fallback should consensus fail. That suggestion was not adopted. Should the district manager have nevertheless gone further by indicating a willingness to impose a fallback of restrictions on one or both groups in the absence of

[2] This organization was created as a result of the Recreational Access Management Planning Process. It is not a government agency and has no formal connection to the Land and Resource management Planning Process.

agreement? Or would it have been more appropriate to simply comply with the participants' wishes and leave the dispute resolution process open?

To answer that question, the first issue is whether it would have been reasonable for the district manager to unilaterally impose restrictions. Was there general community acceptance of a need for restrictions on snowmobile recreational use?

The Need for Snowmobile Restrictions

The group of 45 representatives from 15 recreational user groups that advised on the plan for recreational access management, along with the public through the workshop, developed a number of recreational access management principles. Among the principles particularly relevant to this complaint were the following:

- Recreational users ... all... have intrinsic rights to the responsible use of Crown lands to fulfill their recreational needs.
- Motorized vehicles do not belong in some areas.
- Restrictions on motorized recreational use in some areas should be qualitatively balanced with assured motorized vehicle access in other areas.
- ...motorized use can have an impact on ... non-motorized users ... in areas where both types of use occur concurrently; non-motorized use does not have the same potential effect on motorized users.
- Snowmobiles...must be registered and identifiable.

All except the first principle were also adopted by the Provincial Backcountry Skiing - Snowmobile Committee and those principles are generally applicable and widely supported.

Those generally accepted principles infer that snowmobile users should be allowed to responsibly use most Crown lands for recreation. However, snowmobile users do not belong in some areas because their recreational use has a negative impact on other forms of recreational use. Overall, the accepted principle is that restrictions on snowmobile use in some areas might be required, but restrictions are not inevitably required.

On the other hand, the snowmobilers were aware that there were already several areas zoned to prohibit motorized use, some quite large (almost 10,000 hectares in the Babine Recreational Area). Given such restrictions, the snowmobilers were not convinced that more restrictions were fair. They were concerned that the skiers were demanding unnecessary restrictions.

On balance, the Board considers that it could have been appropriate for the district manager to impose restrictions on recreational snowmobile users even without consensus, but that such action was not necessarily required.

Finding #9

Recreational users, both in the Bulkley Valley and provincially, accepted the principles that snowmobile use has impacts upon other forms of recreational use and that snowmobiles do not belong in all areas. The imposition of restrictions on snowmobiles in some areas might be required and, if so, imposition by the district manager could have been reasonable.

The imposition of restrictions without consensus was an option, but the district manager chose not to use it. The Board looked at the reasonableness of that choice at two stages in the process — initially, when consensus was still a possibility and later, when there was no real prospect of consensus.

Initial Requirement for Consensus

The first complainant asserted that, given unequal bargaining power between skiers and snowmobile users, it was unreasonable for the district to require consensus before imposing restrictions. The appropriateness of requiring consensus as a precondition for restrictions depends, in part, upon how much support there was among participants for consensus. Through the spring and fall of 1996, all participants appeared to accept that consensus decision-making was how things would be done. However, the support for consensus only lasted until dissent developed. By January 1997, in the face of snowmobile users' persistent refusal to accept new restrictions, the skiers asked the district manager to unilaterally ban snowmobiles from some areas. By February, some skiers, including one of the complainants, were objecting that consensus had been imposed upon them by the district manager.

Who actually imposed the consensus pre-condition for section 105 orders? The district manager denied doing so. He stated that the stakeholders themselves decided that. The investigation revealed no clear indication of a single source for that rule. The issue of consensus or imposed rules was raised at the first meeting but not one of the stakeholders could recall any meeting at which the matter was specifically decided.

In fact, it is likely that a consensus based decision-making approach was simply accepted by all without much deliberation. There was some evidence to indicate a general community acceptance of consensus. As far back as 1991, the BC Round Table on the Environment and the Economy was advocating consensus based decision-making. At that time, the Bulkley Valley Community Resources Board organizational document specifically adopted consensus as the decision-making process to be used for resource management plans. (The Resources Board provided the original direction for the Bulkley

Land and Resource Management Plan for which the Recreational Access Management Plan was produced.) Thus, consensus had been adopted some years previously as an integral component to the entire land use decision-making process. The Bulkley Valley Mountain Club specifically asked in May of 1996 to be involved in "a consensus process" for the Bulkley Valley access management planning.

The limited evidence implied that the rule of consensus based decision-making was probably not imposed by the district manager. Instead, it likely assumed by all participants to be the normal process for land use decision-making in the Bulkley Valley.

Finding #10

The "rule" of using consensus based decision-making in the recreational access management planning process was implicitly adopted by all stakeholders at the start of discussions. he first complainant's assertion that a consensus rule was imposed by the district manager is not substantiated.

Even if the recreational user groups wanted consensus, would it have been appropriate for the district manager to simply go along? At the start of the planning process, certainly. There would have been a possibility that most areas could be dealt with by consensus, so it would be reasonable to give consensus a chance. That hope was explicitly expressed by the district manager in late August of 1996, in an open letter to recreational users at the workshop session held on September 28 and 29:

> "I do not expect that agreement can be reached on all the issues...However, I strongly believe that we have an opportunity (to identify) some guiding principles for the management of conflicting means of recreational access."

In other words, the district manager expected the participants to decide by consensus where they could. In addition, he wanted them to provide some guidance on resolving the remaining disputes. Participants decided many areas by consensus, but failed to offer dispute resolution principles.

The initial expectation of consensus was reasonable and practical because consensus was expected to be effective on most areas. Further, the various user groups were more likely to support decisions that resulted from a process that they themselves agreed with.

Finding #11

The district manager's initial condition of user group consensus before imposing orders to restrict some recreational users from contentious areas was reasonable because consensus on most issues was possible and because the participants strongly favored such a process.

Final Reliance on Consensus

Given that the district manager's requirement for consensus at the start of the RAMP process was reasonable, was it also reasonable for the district manager to continue to require consensus even after consensus failed? The snowmobile users' opposition to additional restrictions crystallized in early November of 1996. At that point, the inequality in bargaining power made continued reliance on a simple consensus based approach ineffective.

Although the district manager continued to require consensus before section 105 orders would be issued, some other forms of recreational access management were implemented despite a lack of consensus. There was a plan for interim management for the Harold Price meadows in the RAMP. Separate access trails were identified for skiers (Meed Creek access) and snowmobile users (Blunt Road access). Also, the parties agreed that the meadow immediately in front of the cabin was to be treated as a non-motorized use area. Unfortunately, those guidelines proved to be generally ineffective over the winter of 1997 and 1998. Although members of both participant groups apparently respected the separate access routes, snowmobile users (likely not members of the participant clubs) continued to track the "non-motorized" meadow. Increased use of the cabin by snowmobile users led to a threat by the skiers, who had maintained the cabin for a decade, to stop doing so. In response, on April 30, 1998, district staff tried to facilitate renewed attempts at negotiation. However, there is no indication that the virtual impasse reached between the two participant groups in the Harold Price meadows has been overcome.

Thus, the conflict continued in at least one "Unresolved" area over the past winter. In response, the skiers showed signs of abandoning the Harold Price meadows due to heavy snowmobile user activity; the traditional pattern persisted. In those circumstances, should the district manager have acted to break the deadlock?

A mechanism to resolve deadlocks is often required for consensus based decision-making. Unless all parties have incentives to negotiate, situations will inevitably arise when consensus fails. To minimize such situations, there may need to be increased incentive, usually provided by proposing undesirable "fallbacks" (alternative processes such as reversion to majority rule or referral to a higher authority for decision). However, a fallback need not always be specified; the normal expectation is that government agencies will decide if others cannot. Whether explicit or implicit, the Board considers the presence of incentives to seek resolution to be beneficial to most effective consensus processes. Although imposed solutions are contrary to the very nature of the consensus process and may well be unpopular with the public, the potential for unilaterally-imposed restrictions by the district manager could have driven the snowmobile users and backcountry skiers to find a mutually agreeable solution.

In the RAMP process, the district planning staff were ultimately left to deal with the opposing demands of two user groups. One reasonable way to break the impasse would have been for the district manager to act unilaterally in an unpredictable or undesirable way. For example, the district manager could have advised that, failing consensus, he

was prepared to make an order banning both skiers and snowmobile users from the Harold Price meadows and Blunt basin areas. (Of course, with no legal users in the area, such an order would be very difficult to enforce.) The district manager could have decided to arbitrarily alternate user groups by year, or to split the season of use between the groups. Presumably, the prospect of adverse orders would have made further negotiation in both parties' interests. Instead, the district manager simply followed the agreed-upon process to its logical conclusion. He signed off the RAMP despite the unresolved areas and passed the issue to the Bulkley Valley Outdoor Recreation Cooperative. Through the Cooperative, the groups could continue to work toward resolution on the disputed areas.

Was it appropriate in the circumstances of this complaint for the district manager to continue to encourage negotiation toward consensus without adding incentive by indicating intent to unilaterally impose section 105 restrictions if no agreement was reached in a reasonable time? The Board finds that it was, given that the participants had insisted on consensus and that there was a forum available for continued discussion. The Board also finds that there is a practical reason to require consensus. To be effective, restrictions should tend toward being "self-policing". Consensus among all users would make enforcement a shared task, with no group having a strong incentive to breach a restriction. A unilaterally imposed restriction would be very difficult to enforce.

Finding #12

Respect for the participants' preferred process and practicalities of enforcement made it appropriate for the district manager to continue to require consensus as a precondition of section 105 orders even after an impasse between participants developed.

In summary, the Board considered the RAMP process to have been fair despite an inequality of bargaining position. The Board also found that the continued requirement for consensus after consensus had failed was appropriate. The Board notes that district staff put considerable effort into encouraging a complex, multiparty negotiation on recreational access management. District staff did much to make the process work for the majority of the areas of concern. However, the district manager stopped short of forcing resolution in the most contentious areas. Having embarked on the process, the district manager let the process proceed to the point where no further resolution was likely. At that point, the plan was signed off and transferred to the Outdoor Recreation Cooperative, leaving several areas unresolved. Given that the participants had selected that decision-making process and that no one had asked for any form of fallback decision-making to clear any impasse, the Board finds that the district manager's decision not to impose section 105 restrictions was appropriate.

Problem Resolution Efforts

The RAMP had been finalized before the Board decided to investigate the complaints. As recently as April 1998, the skiers were still expressing concern about snowmobile use of the disputed areas. Snowmobile users were expressing frustration about a lack of signage in the Harold Price meadows and also about their difficulty in controlling the actions of non-members of the organized snowmobile clubs. The conflict has not yet been resolved and district staff have decided to await the Board's investigation report. Although the Board prefers local resolution of the dispute, there was no practical prospect of resolution during the investigation.

Conclusions

The district manager is not obligated to make orders to restrict recreational use under section 105 of the Act. A complainant's assertion of such a responsibility is not substantiated.

There is little guidance in the Act or in policy regarding appropriate circumstances or relevant considerations to be applied by district managers when considering section 105 orders to restrict recreational users. Such guidance is required.

There is a significant impact by snowmobile use on backcountry skiing recreation, but little impact by skiers on snowmobile recreational use. The potential for interaction has increased due to recent technological improvements to snowmobiles. Without restrictions on snowmobile users, backcountry skiers tend to abandon areas that become popular for snowmobile recreation.

While some areas popular with skiers need non-motorized use restrictions, there are several large non-motorized areas available in the Bulkley Valley. Snowmobilers reasonably questioned whether additional restrictions were required.

District staff put a great deal of effort into expediting a complex, multiparty negotiation and did much to make the process work.

Bulkley Valley skiers and snowmobile users all preferred consensus based decision-making for recreational access management. It was appropriate for the district manager to defer to their wishes initially even if such a process was unlikely to resolve all areas in dispute due to unequal incentives between those groups to negotiate. One complainant's assertion that the district manager had imposed a consensus-based process is not substantiated.

There was one flaw in the process that was used to plan management of recreational access. There should have been written, clear terms of reference set out at the start, one that clarified what was to happen in the event of a failure to reach agreement.

The recreational access management planning process that was assisted by district staff was fair and open. One complainant's assertion that use of an ineffective facilitator made the process unfair is not substantiated.

The decision of the district manager not to address the issue of unequal bargaining power after consensus failed was appropriate in the circumstances, given that effective enforcement required consensus and that dialogue could continue in the Bulkley Valley Outdoor Recreation Cooperative.

Remedies

The complainants requested the following remedies from the Board:

- recommend that the district manager appoint a new, and more effective, mediator before deciding on recreational orders in the Harold Price meadow and Blunt basin areas,
- declare that it was unfair for the district manager to require consensus among users when one user group, by virtue of the nature of its recreational use, had little to gain by negotiating, and
- require the district manager to make orders restricting snowmobile recreational use in Harold Price meadows and Blunt basin.

The Board declines the first relief requested because the facilitator did all that was practically required in the process.

The Board declines the second relief requested, because consensus based decision-making was desired by all parties and because a consensual decision is the most effective way to ensure compliance.

The Board does not have the authority to grant the third relief requested.

Recommendation

The Ministry of Forests should provide guidance and assistance to district managers on administration of recreational users on forest lands by use of section 105 orders.

Appendix - Chronology of Events

The Board's investigation found the sequence of events leading to approval of Recreational Access Management Plan to be as follows:

Sept 2, 1975	File notes indicated concerns about conflicts between skiers and snowmobile users in the Smithers area. Several areas were designated for snowmobile use, for cross-country skiing and for downhill skiing.
Sept 15, 1987	Ski cabin proposed by Cross Country Ski Club in Harold Price area. A 20 kilometre ski from road, so a shelter needed.
Sept 15, 1988	Ski cabin constructed. District staff assisted volunteers. All agreed that the cabin was to be for general public use. Letter of Authorization was issued by district, valid for one year, renewable.
Nov 1, 1990	District manager issued Letter of Authorization for 5-year term. Cabin explicitly for benefit of all general public, not just members of specific outdoor clubs.
Oct 11, 1991	Bulkley Valley Community Resources Board established to make integrated, sustainable land use decisions. Emphasis on local membership and on consensus based decision-making. Product to be a Land Management Plan for the Bulkley Forest District. District manager was one of three facilitators.
Sept 8, 1995	Letter, W. Hobson to district manager, thanked district for assistance in improving a cabin in Harold Price area. Cabin to be used in summer and winter by hikers and skiers.
Apr. 8, 1996	Letter from B. Blix to district with records showing 250 people signed the register at the Harold Price Cabin over the previous winter. Noted increasing use by snowmobile users and problems for skiers from frozen machine tracks and ruts.
Apr 24, 1996	Letter from Cross Country Ski Club to Snowmobile Association described problems caused for skiers in Harold Price area in March by snowmobile tracks. Meeting requested to minimize conflicts.
May 4, 1996	Bulkley Valley Mountain Club formed to represent backcountry skiers, among other "backcountry users". Expressed concern about noise pollution from motorized vehicles and asked for involvement in a consensus process to resolve conflicts by zoning.

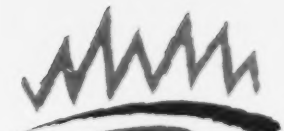
May 24, 1996	District manager and Chair, Community Resources Board, sent letter to various recreational users inviting membership on a recreational access subcommittee to report to the Community Resources Board for the Bulkley Land and Resource Management Plan.
June 5, 1996	First meeting of Recreational Access Sub-Committee held. Snowmobile users were reluctant to zone. District manager was present. Mountain Club, backcountry guide, Cross-Country Ski Club, wanted zonation. Hunting groups were concerned about access control rather than snowmobiles per se. District manager set out two options to resolve conflicts: bureaucratic rules or cooperation. Meeting adjourned decision on rules to next meeting.
June 19, 1996	Second meeting of Recreational Access Sub-Committee held. District manager was present. General impression that the Bulkley LRMP access management aspects were biased against motorized access. Meeting dates were set to focus on winter access, summer access and road management concerns. A workshop to present areas of concern to the community was planned for early August. (NOTE: There was no indication of any further discussion of whether to use consensus versus consensus followed by arbitration to decide access management.)
July 3, 1996	Meeting re: winter recreational user access held. Polarization began immediately. Cross-country skiers and Mountain Club took position that skiers and snowmobile users could not coexist; required separation by area or season. Snowmobile users did not want to be forced into the most distant areas, especially for family outings. They noted that no areas were to be closed to skiers.
July 17, 1996	Meeting re: summer access held. General agreement was reached; potential conflict on alpine trails only, and motorized users agreed to stay on existing roads/trails and hard-packed areas to minimize impact.
July 23, 1996	Federation of Mountain Clubs of BC sent letter to district recreation planner stressing disproportionate impact of snowmobiles on skiers. Recommended zoning.
July 31, 1996	Meeting re: road access management held. No particular conflicts were evident.
Aug 7, 1996	Objectives, background report, documents assembled to direct a participants' workshop on a RAMP. District manager was present. Need to find ways to resolve conflict areas was strongly

	highlighted.
Aug 26, 1996	District manager sent letter to participants with expectations for a workshop to be held in late September. The main need was to identify high use areas where motorized and non-motorized recreational users conflicted and to identify areas where access controls might be required. A draft Recreational Access Management Plan was to come from the workshop. Such a plan might be designated a higher level plan under the Act, after which s. 105 orders could be imposed as "required to ensure effective implementation". District manager was reluctant to deny public access to Crown land without significant public discussion.
Sept 28, 29 1996	Workshop on Recreational Access Management held. A "Precis" handout stated that the district manager, with public consensus, would designate some areas for non-motorized use under s. 105. Options to designate trails and recreational sites under the Act were explained. Principles included that public has right to access on Crown lands, but that motorized vehicles do not belong in some areas.
Nov 1, 1996	Winter recreational user group meeting held to resolve outstanding disputes. Hazelton snowmobile club represented for the first time, objected to some designations from the workshop. All snowmobile reps decided to object to further non-motorized area designations.
Nov 4, 1996	Skiers wrote to district manager to complain about refusal of snowmobile users at November 1 meeting to compromise about non-motorized zonation. They noted that, if unresolved areas were to remain as "status quo", skiers would in effect be precluded from the high-dispute areas such as Harold Price.
Dec 5, 1996	Letter of Authorization issued by district to allow maintenance of Harold Price snowmobile trail under s. 102 of Act.
Dec 15, 1996	First draft RAMP completed, circulated to recreational user groups. Principles reiterated, including the general public's right to access to recreational resources on Crown land and the acceptance of a need to restrict motorized vehicles from some areas. Unequal effect of motorized users and non-motorized users on each other was recognized.
Dec 18, 1996	Several backcountry tourism operators sent letter to district manager supporting skiers' views about incompatibility of snowmobiles and other recreational users, refusal of snowmobile users to negotiate and the "default" loss of areas to non-motorized

	recreational users in the absence of non-motorized area designation.
Dec 27, 1996	Skiers wrote to recreation specialist in adjacent Morice Forest District expressing incompatibility of snowmobiles and other recreational users, citing areas lost to skiers due to snowmobiles in previous 10 years and requesting non-motorized area designation..
Jan 8, 1997	Final draft RAMP sent out for public review and comment. Principles of general public right to access recreational resources on Crown land and of need to restrict motorized vehicles from some areas maintained. Unequal effect of motorized users and non-motorized users on each other was recognized. Proposed s. 105 orders prohibiting motorized use in three areas, including Blunt basin. Harold Price meadows was to remain unresolved, despite acknowledged high recreational use and high conflict level among user groups.
Jan – Feb 1997	Various recreational user groups commented on draft RAMP. Some supported creation of an Outdoor Recreation Council to make recommendations on control of conflicting recreational users. Recurrent concern expressed about the problem in requiring consensus; i.e.- the practical effect of "unresolved" designation was identical to designating an area for motorized recreational uses. That did not encourage negotiation toward consensus and the effect was prejudicial to non-motorized users. Some incentive, like district imposition of restriction, was needed to induce negotiation.
Feb 24, 1997	Cross-country skiers and backpacker clubs wrote to snowmobile club asking for voluntary snowmobile user restrictions to avoid four trails near cabin in Harold Price meadows.
March 1997	Brochure summarizing draft RAMP prepared by district and distributed. Principles of general public right to access recreational resources on Crown land and of need to restrict motorized vehicles from some areas maintained. Unequal effect of motorized users and non-motorized users on each other was recognized. Draft plan was made available at district office for public review; comments solicited for a month. Harold Price was shown as "unresolved"; Blunt Mountain as "non-motorized".
Apr 11, 1997	Hazelton snowmobile club confirmed their blanket opposition to any further designation of non-motorized areas.
Apr 20, 1997	Mountain Club reiterated the progressive loss of areas for backcountry skiing due to increased snowmobile numbers and

	access. Club noted that RAMP, which implemented status quo wherever there was disagreement, did not resolve the problem. Indicated support for use of an Outdoor Recreation Council to facilitate resolution of user conflicts.
May 12, 1997	Complainant filed a complaint (#970104) based on draft RAMP (Board ultimately refused to investigate because complaint was considered to be premature.)
May, 1997	Summary of public response (70 letters) to the draft RAMP was compiled. Leaving disputed areas unresolved was considered unsatisfactory by several respondents because any area not designated as "non-motorized" would be open to motorized uses. Lack of incentive for groups to work toward consensus was noted. Recommended that district manager unilaterally decide allocation of uses on the two main disputed areas – Harold Price and Blunt/Seaton. Several letters supported the use of an Outdoor Recreation Council to deal with public pressures on recreational access management in other, less contentious areas.
July 25, 1997	Final RAMP approved and released. Principles of general public right to access recreational resources on Crown land and of need to restrict motorized vehicles from some areas maintained. Unequal effect of motorized users and non-motorized users on each other was recognized. Proposed s. 105 orders as required to protect recreation resources, but not to manage recreation use unless supported by community consensus and management agreements between users and district. Harold Price meadows was to remain unresolved, despite acknowledged high recreational use and high conflict level among user groups. Interim measures were proposed to separate access trails into motorized and non-motorized. Blunt basin, tentatively designated as non-motorized in earlier drafts, was designated "unresolved".
July 31, 1997	Deputy Minister of Forests responded by letter to local backcountry skier. Defended RAMP and indicated future reliance on Outdoor Recreation Council for recommendations on how to regulate conflicts between recreational users
Sept. 24, 1997	Complainant filed a second complaint (#970126) based on final RAMP approval.
Sept 29, 1997	District manager clarified that, to encourage consensus, district would not approve any infrastructure development (cabins, trail

	construction involving tree cutting, etc.) in areas without access designations (i.e.- until disputes over motorized vs. non-motorized are resolved). Expected that Outdoor Recreation Council would be the forum to resolve access designations.
Oct 10, 1997	Mountain Club reiterated objection to leaving unresolved areas as status quo. Requested district to impose interim designations (half motorized, half non-motorized) until Outdoor Recreation Council recommended consensus based changes.
Oct 27, 1997	Board decided to investigate complaint #970126.
Oct – Nov 1997	Skiers and others compiled a petition to request revision of RAMP on a consensus based (but incentive-driven) process, with a skilled facilitator. District decided to await results of Board investigation.
Jan 26-30, 1998	Investigator interviewed 9 ski/backpacker reps and 14 snowmobile reps; inspected district files and interviewed district manager and district recreation staff.
March 6, 1998	Backcountry skier visited cabin in Harold Price Meadows, complained to district manager of garbage, dirty floors, lack of firewood, icy tracks in snow for a wide area around the cabin, all asserted to be due to snowmobile users.
March 20, 1998	Second backcountry skier wrote to district manager complaining that "the meadows by the cabin and most of the route up the ridges" were covered by frozen snowmobile tracks. Ski club planned to stop caretaking the cabin.
March 23, 1998	Another complaint (#980147) filed, in part overlapping with #970126.
March 24, 1998	Backcountry skiers' representative renewed request to district manager to designate the lower Harold Price Meadows as "Non-Motorized".
May 20, 1998	Board decided to investigate part of complaint #980147 in conjunction with complaint #970126.



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